



**THE CITY OF NEW YORK
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January 17, 2014

BY ECF

Honorable Steven M. Gold
Chief United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Destiny Bruno, et. al. v. City of New York, et. al., 10 CV 0210
(RRM)(SMG)

Your Honor:

We are Assistant Corporation Counsel at the New York City Law Department and represent defendants in above-referenced matter. We write with the consent of counsel for the NYCLU and ACLU, Matthew Laroche, to respectfully request that Your Honor so-order the parties' proposed briefing schedule with respect to the issues that remain regarding the "Criminalizing the Classroom Report" (the "Report") following a series of "meet and confers." (See Docket 332, No. 4, though defendants' time to move was extended *sine die* at Docket 342 and the court's order of December 13, 2013)

Although a number of issues were resolved informally between counsel during the "meet and confers," the issues that remain are 1) defendants' request for spoliation sanctions arising out of the destruction of certain student surveys taken in connection with the preparation of the Report; 2) defendants' contention that certain redactions in the reliance materials produced by the NYCLU/ACLU were improper; and 3) defendants' request for depositions in connection with the reliance materials that have not been agreed to.

The agreed upon briefing schedule is as follows: Defendants' moving papers would be filed on or by January 30, 2014; the NYCLU/ACLU's responsive papers would be due on or by February 13, 2014; and defendants' reply papers would be due by February 20, 2014.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Mark Zuckerman

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Elizabeth N. Krasnow
Michael K. Gertzer
Joshua Lax
Assistant Corporation Counsel

cc: All counsel of record (via ECF)
Matthew Laroche, Esq. (via email)